

**SIERRA COUNTY  
ELECTION OBSERVER PANEL PLAN  
NOVEMBER 2, 2010 CONSOLIDATED GENERAL ELECTION**

**COUNTY AND SYSTEM INFORMATION:**

Sierra County

Heather Foster, County Clerk-Recorder

(530) 289-3295

Voting System Used by County: Premier Election Solutions  
Accuvote OS/Tsx

The purpose of an Election Observer Panel is to:

1. Provide the public with the opportunity to observe and make suggestions on ways to improve the election process.
2. Help ensure the integrity of the election process.
3. Remove some of the mystery associated with the election process in an effort to build voter confidence and encourage more people to take part.

Between E-60 and E-30, prepare invitations to the following:

1. Sierra County Grand Jury – the Grand Jury is also invited to serve on the Logic and Accuracy Board.
2. Sierra County Republican and Democratic Central Committee
3. Local media

Election Observers and the Logic and Accuracy Board are provided a brief orientation describing the vote-by-mail process and the procedures that will be used in the receiving and tallying of the ballots. Observers are provided a set of guidelines for observing the vote-by-mail process. Observers are also encouraged to ask questions about the vote-by-mail process.

# **VOTE-BY-MAIL BALLOT PROCESSING OBSERVER GUIDELINES**

## **GENERAL RULES**

1. No observer shall interfere with the orderly processing of mail ballot return envelopes or ballot processing/counting. Observers shall not touch or handle the ballots (Elections Code §15104 (e)). Observers shall not enter inside the area where the processing of mail ballot return envelopes and the processing/counting of mail ballots takes place.
2. Observers will be permitted access to a designated observation area, sufficiently close to enable them to observe and challenge whether individuals handling vote-by-mail ballots are following established procedures (Elections Code §15104(d)).
3. Observers, while within the designated observation area **shall not:**
  - carry on conversations with each other
  - engage in loud talking or arguing or make disruptive comments or noises, including sighs or gasps.
4. Questions or challenges regarding the handling of vote-by-mail ballots shall be addressed only to Suzanne Smith, Elections Supervisor or Heather Foster, County Clerk.

## **BALLOT HANDLING CHALLENGES**

1. Any member of the county grand jury, and at least one member each of the Republican county central committee, the Democratic county central committee, and of any other party with a candidate on the ballot, and any other interested organization, shall be permitted to observe and challenge the manner in which the vote-by-mail ballots are handled, from the processing of the mail ballot return envelopes through the counting and disposition of the ballots (Elections Code §15104(b)).
2. Observers may not challenge signatures on mail ballot return envelopes. Only the elections official shall perform signature comparison, in accordance with Division 3 of the California Elections Code.
3. Observers may challenge whether the individuals handling mail ballots are following established procedures. Established procedures of the Sierra County Clerk-Recorder include the following:
  - a. Verifying signatures by comparing them to voter registration information

**ESTABLISHED PROCEDURE:** The signature comparison is done at the time a return batch is processed and the return status is entered into the vote-by-mail list.

- b. Duplicating accurately any damaged or defective ballots

**ESTABLISHED PROCEDURE:** Two Election Officials must work together on this process:

- One worker reads from the ballot, as the second worker marks the exact votes from the original to the duplicate ballot.
- The workers write the date, duplication cross-reference sequence number and both workers' initials on the original/old ballot as well as on the duplicated/new ballot.
- The original/old ballot is placed in a "Duplicated Ballots" manila envelope and the duplicate/new ballot is placed in a "Duplicate" ballot container sealed and with the "temporary storage seal" signed by both workers. The sealed container shall be taken to the central counting place to be counted and/or placed in the Clerk-Recorder's safe to be counted at a later time.

- c. Securing vote-by-mail ballots to prevent tampering before counting.

**ESTABLISHED PROCEDURE:** Returned vote-by-mail ballots are kept in the safe located in the Clerk-Recorder's Office when not being worked on by the elections office staff. Persons other than Elections Office personnel are not allowed access to the secure storage area unless escorted by Elections Office personnel. The safe is locked at all times when staff is not present and the building is secured with an alarm when the county offices are closed. No containers with ballots shall be left unattended unless they are locked in the office safe.

### **VOTER CHALLENGES**

1. Prior to processing and opening vote-by-mail ballot return/identification envelopes, the election official shall make available a list of vote-by-mail voters for public inspection, from which challenges may be presented. All challenges shall be made prior to the opening of the identification envelope of the challenged vote-by-mail voter (Elections Code §15105).
2. Challenges may be made for the same reasons as those made against a voter at a polling place (Elections Code §14240(a); 15105):
  - a. That the voter is not the person whose name appears on the index.
  - b. That the voter is not a resident of the precinct.
  - c. That the voter is not a citizen of the United States.
  - d. That the voter has already voted in this election.
  - e. That the voter is presently on parole for conviction of a felony.

3. In addition, a challenge may be entered on the grounds that the ballot was not received within the time provided by the California Elections Code or that a person is imprisoned for conviction of a felony (Elections Code §15105).
4. If the elections official receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request or demand that the person or persons be challenged, the election official shall first determine whether the document or list accompanied by evidence constituting probable cause to justify or substantiate a challenge (Elections Code §14240(c)).
5. Because the voter is not present, the challenger shall have the burden of establishing extraordinary proof of the validity of the challenge at the time the challenge is made (Elections Code §15106).

# SIERRA COUNTY

Clerk-Recorder  
P.O. Drawer D  
Downieville, California 95936  
Telephone (530) 289-3295  
Fax (530) 289-2830



Heather Foster  
Clerk-Recorder

October , 2010

, Foreperson  
Sierra County Grand Jury

Dear,

The Sierra County Elections Department would like to invite two members of the Grand Jury to serve on the Logic and Accuracy Board for the November 2, 2010 Consolidated General Election. The purpose of this request is to provide the Grand Jury with the understanding of the procedures involved in conducting an election.

We are requesting that the two members of Grand Jury serving on the Logic and Accuracy Board be present at 6:00 p.m., November 2, 2010. Please contact our office as soon as possible with the names of the two representatives who will be joining us on election night. If you are unable to assign two members of the Grand Jury please let us know so that we can make other arrangements.

In addition to serving as our Logic and Accuracy Board, the Grand Jury is also invited to observe any part of the vote-by-mail process. Please see the enclosed Notice of Central Counting Place and Commencement of Vote-By-Mail Process. It is the goal of this office to insure the integrity and accuracy of the election process.

Should you have any questions or concerns regarding this request please contact my office at (530) 289-3295.

Very Truly Yours,

Heather Foster  
County Clerk-Recorder

Enclosure

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Clerk-Recorder  
P.O. Drawer D  
Downieville, California 95936  
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Heather Foster  
Clerk-Recorder

October , 2010

Dear,

The Sierra County Elections Department would like to invite your organization to observe the vote-by-mail process for the November 2, 2010 Consolidated General Election. Those who are attending are encouraged to participate to the fullest extent possible during the vote-by-mail process and the Logic and Accuracy testing of the election equipment.

Please see the enclosed "Notice of Central Count and Commencement" and "Notice of Vote-By-Mail Ballot Processing". Also, enclosed for your review is the "Vote-By-Mail Processing Observer Guidelines". The Logic and Accuracy testing will take place on November 2, 2010 at 6:00 p.m. at the Clerk-Recorder's Office, Courthouse, Room 11, Downieville. It is the goal of this office to insure the integrity and accuracy of the election process.

Should you have any questions or concerns please feel free to contact my office at (530) 289-3295.

Very Truly Yours,

Heather Foster  
County Clerk-Recorder

Enclosures